

Proceedings of the Arizona Game and Fish
Commission License Revocation & Civil
Assessment Hearings
Friday, April 16, 2004 – 1:30 p.m.
Fraternal Order of Police Lodge #2
12851 N. 19th Ave., Phoenix, AZ

PRESENT: (Commission)

(Director's Staff)

Chairman Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner Joe Carter

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Asst. A.G. Jay Adkins
Asst. A.G. Jim Odenkirk

12. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Roll call was taken. The following were present: Manerin Padilla, Robert Padilla, Juan Padilla, Hector Leon, Joshua Smart, and Charles Childers.

Motion: Melton moved and Carter seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

* * * * *

Rigoberto Mendez Ginez, Manerin E. Padilla, Robert Alexander Padilla, Juan Carlos Padilla, Hector Dario Aldanna Leon and Juan Octabio Cabrera

Under Citation #219688, Ginez was charged with A) taking big game (deer) by unlawful method; B) taking big game (deer) without a tag and C) taking big game (deer) without a valid license. Under Citation #219684, Ginez was charged with A) possession of unlawfully taken big game (deer); B) hunting big game (deer) with the aid of a vehicle and C) hunting big game (deer) with the aid of artificial light. He failed to appear in Flagstaff Justice Court for #219688. In Flagstaff Justice Court, he was found guilty of all counts of Citation #219684; he was fined \$204 for Count A, \$300 for Count B and \$80 for Count C.

Manerin E. Padilla was found guilty in Flagstaff Justice Court of A) improperly tagging big game (deer); B) possession of unlawfully taken big game (deer); C) hunting big game (deer) with the aid of a vehicle and D) hunting big game (deer) with the aid of artificial light. He was fined \$204 for Count A, \$300 for Count B, \$300 for Count C and \$204 for Count D.

Under Citation #219680, Robert Alexander Padilla was charged with A) possession of unlawfully taken big game (deer). Under Citation #219685, he was charged with A) hunting big game (deer) with the aid of a vehicle and hunting big game (deer) with the aid of artificial light. He was found guilty of all counts of Citation #219680 and #219685 in Flagstaff Justice Court. He was fined \$300 for Count A (#219680); \$204 for Count A and \$100 for Count B (#219685).

Juan Carlos Padilla was found guilty in Flagstaff Justice Court of A) possession of unlawfully taken big game (deer); B) hunting big game (deer) with the aid of a vehicle and C) hunting big game (deer) with the aid of artificial light. He was fined \$619.99 for Count A, \$374.00 for Count B and \$374.00 for Count C.

Leon was found guilty in Flagstaff Justice Court of A) hunting big game (deer) with the aid of artificial light; B) hunting big game (deer) with the aid of a vehicle and C) possession of unlawfully taken big game (deer). He was fined \$204 for Count A, \$300 for Count B and \$350 for Count C.

Cabrera was found guilty in Flagstaff Justice Court of A) possession of unlawfully taken big game (deer); B) hunting big game (deer) with the aid of a vehicle and C) hunting big game (deer) with the aid of artificial light. He was fined \$300 for Count A; \$300 for Count B and \$204 for Count C.

Juan Padilla spoke on behalf of the others who were present. Ginez confessed he shot the deer. They all knew they made a mistake by associating with Ginez.

Motion: Gilstrap moved and Melton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF RIGOBERTO MENDEZ GINEZ TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST RIGOBERTO MENDEZ GINEZ TO COLLECT THE AMOUNT OF \$227.72 FOR HIS PART IN THE LOSS OF ONE MULE DEER BUCK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Carter – Aye
Chair voted Aye
Golightly – Absent for Vote
Motion carried

Motion: Melton moved and Carter seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF MANERIN E. PADILLA TO HUNT, FISH AND TRAP IN

THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MANERIN E. PADILLA TO COLLECT THE AMOUNT OF \$227.72 FOR HIS PART IN THE LOSS OF ONE MULE DEER BUCK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Carter – Aye
Chair voted Aye
Golightly – Absent for Vote
Motion carried

Motion: Gilstrap moved and Carter seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF ROBERT A. PADILLA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ROBERT A. PADILLA TO COLLECT THE AMOUNT OF \$227.72 FOR HIS PART IN THE LOSS OF ONE MULE DEER BUCK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Carter – Aye
Chair voted Aye
Golightly – Absent for Vote
Motion carried

Motion: Carter moved and Melton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF JUAN CARLOS PADILLA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE

DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JUAN CARLOS PADILLA TO COLLECT THE AMOUNT OF \$227.72 FOR HIS PART IN THE LOSS OF ONE MULE DEER BUCK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Carter – Aye
Chair voted Aye
Golightly – Absent for Vote
Motion carried

Motion: Gilstrap moved and Carter seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF HECTOR DARIO LEON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST HECTOR DARIO LEON TO COLLECT THE AMOUNT OF \$227.72 FOR HIS PART IN THE LOSS OF ONE MULE DEER BUCK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Carter – Aye
Chair voted Aye
Golightly – Absent for Vote
Motion carried

Motion: Melton moved and Carter seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF JUAN OCTABIO CABRERA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JUAN OCTABIO CABRERA TO COLLECT THE AMOUNT OF \$227.72 FOR HIS PART IN THE LOSS OF ONE MULE DEER BUCK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Carter – Aye
Chair voted Aye
Golightly – Absent for Vote
Motion carried

* * * * *

Joshua D. Smart and Charles E. Childers

Smart was charged with A) taking wildlife (elk) during a closed season and B) taking wildlife (elk) by unlawful method (dogs). Count A was dismissed in Round Valley Justice Court, and he was fined \$227.50 for Count B.

Childers was charged with A) taking wildlife (elk) during a closed season and B) taking wildlife (elk) by unlawful method (dogs). Count A was dismissed in Round Valley Justice Court, and he was fined \$227.50 for Count B.

Smart admitted he took his dogs bear hunting. Childers and Smart were unaware the dogs turned on the elk. It was an accident, and he should have had better control of the dogs. The dogs needed training; they were his responsibility.

Motion: Golightly moved and Carter seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF JOSHUA D. SMART TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE YEAR; THAT THE CURRENT LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JOSHUA D. SMART TO COLLECT THE AMOUNT OF \$1,138.62 FOR HIS PART IN THE LOSS OF ONE ELK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

Motion: Golightly moved and Melton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF CHARLES E. CHILDERS TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE YEAR; THAT THE CURRENT LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT IT BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CHARLES E. CHILDERS TO COLLECT THE AMOUNT OF \$1,138.62 FOR HIS PART IN THE LOSS OF ONE ELK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO

THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Golightly – Aye

Chair voted Aye

Carter – Absent for Vote

Motion carried

* * * * *

Harold Coleman, III

Coleman was found guilty in North Mesa Justice Court of A) taking wildlife (3 ridge-nosed rattlesnakes) during closed season; B) possession of unlawfully taken wildlife (1 Gila monster); C) possession of restricted wildlife (3 ridge-nosed rattlesnakes); D) possession of restricted wildlife (2 banded rock rattlesnakes) and E) possession of restricted wildlife (1 caiman). He was fined \$293 for Count A; Count B was suspended; \$233 for Count C; Counts D and E were suspended and he was assessed court cost of \$25.

Motion: Melton moved and Golightly seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF HAROLD COLEMAN III TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Golightly – Aye

Chair voted Aye

Carter – Absent for Vote

Motion carried

* * * * *

Theodore W. Misch

Misch was found guilty in Greenlee County Justice Court of A) taking wildlife (mule deer doe) during closed season and B) allowing edible portions of wildlife (mule deer doe) to waste. He was fined \$455 for Count A and \$185 for Count B.

Motion: Melton moved and Golightly seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF THEODORE W. MISCH TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE

REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST THEODORE W. MISCH TO COLLECT THE AMOUNT OF \$1,366.34 FOR THE LOSS OF ONE MULE DEER DOE. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Golightly – Aye

Chair voted Aye

Carter – Absent for Vote

Motion carried

* * * * *

Dennis Anthony Owen

Owen was found guilty in Williams Justice Court of A) shooting from a motor vehicle and B) taking wildlife (turkey decoy) without a valid license. Count C (taking wildlife (turkey decoy) with unlawful device) was dismissed. He was fined \$300 for Count A and \$400 for Count B.

Motion: Gilstrap moved and Golightly seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF DENNIS ANTHONY OWEN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Gilstrap, Melton and Golightly – Aye

Chair voted Aye

Carter – Absent for Vote

Motion carried

* * * * *